IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 571 of 2002 (M/B)

Parvin Singh, Ex-Pradhan,
S/o Sri Keshar Singh,
R/o Village and Post Office Daula
Tehsil Kapkot, District Bageshwar. …… Petitioners

Versus

1. State of Uttaranchal
   through Secretary, Panchayat Raj,
   Dehradun
2. Rajkiya Nirwachan Ayukt,
   Panchayat and Local Bodies,
   Uttaranchal, Dehradun.
3. Director, Panchayat Raj,
   Uttaranchal, Dehradun.
4. Zila Panchayat Raj Adhikari,
   Bageshwar.
5. Khand Vikas Adhikari,
   Kapkot, District Bageshwar.
6. Collector
   District Bageshwar. ……. Respondents

Mr. M.C. Kandpal, Senior Advocate with Mr. Kurban Ali, Advocate for the petitioners.
Mr. N.C. Gupta, Standing Counsel for the State of Uttaranchal.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. M.M. Ghildiyal, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. M.C. Kandpal, Senior Advocate with Mr. Kurban Ali, Advocate for the petitioners.

Mr. N.C. Gupta, Standing Counsel for respondents Nos 1 and 3 to 6.

None for respondent No. 2.

They are heard.

2. Petitioner Parvin Singh has filed this writ petition for the following reliefs:

> "I. Issue a writ, order or direction in the nature of certiorari for quashing the Gudget dated 31.07.2002 annexed as Annexure no. 4 to this writ petition.

II. Issue a writ, order or direction in the nature of mandamus commanding and direction the respondents not to proceed with the election process of Panchayat election relating to village Panchayat Teekh, Village Panchayat Daula as a merge gram Panchayat in pursuance of list contained in annexure No. 4 to this writ petition.

III. Issue a writ order or direction in the nature of mandamus commanding and directing the respondents to declare the village Panchayat as existed from 1952 till the date of the notification.

IV. Any other writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case.

V. Cost of the writ petition be awarded to the petitioner.

3. The petitioner's grievance appears to be against the inclusion of the Vilalge Daula in Village Panchayat Teekh in the delimitation exercise undertaken in the year 2002. the inclusion appears to be on account of the guidelines issued by the State Government that the minimum unit for a Village Panchayat as far as possible should be '300'. As the population of the petitioner's village Daula , as per the 1991 Census, was 160 only, the same was included in Village Panchayat Teekh which is said to be adjacent to the petitioner's village Daula.

4. As the elections for the Gram Panchayat have already been held on the basis of the delimitation made in the year 2002, we deem it proper to close the writ petition leaving it open to the petitioner to raise his objections as and when the next delimitation exercise is undertaken by the authorities.

5. With the above liberty to the writ petitioner, the writ petition stands is disposed of.

(M.M.Ghildiyal, J.) **(Rajeev Gupta, C.J.)**
07.03.2006 **07.03.2006**

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